



Cincinnati Police Department  
**STAFF NOTES**

December 20, 2005

*Colonel Thomas H. Streicher, Jr., Police Chief*

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**1. 2006 ORGANIZATIONAL CODES**

[Attached](#) to these Staff Notes is the list of the organizational codes for 2006.

**2. LEGAL UPDATE AND REVISION TO [PROCEDURE 12.270](#), IMPOUNDING, REMOVING AND RELEASE OF VEHICLES**

Chapter 759 of the Cincinnati Municipal Code (CMC) has been amended to allow for the impoundment of a vehicle used to facilitate the commission or attempted commission of a crime involving the possession, delivery, transportation, purchase or sale of illegal drugs.

Section 1501-9(b) CMC is also amended to include the use of a motor vehicle to facilitate drug related crime as a Class D Civil Offense. That person would then be required to pay a civil fine of \$500.00 above any criminal fines. Section 1501-9 previously allowed for impoundment of vehicles and civil fines only in prostitution cases.

Officers will tow all vehicles that are eligible for impoundment under this ordinance when probable cause exists to make a physical arrest.

The process for impounding vehicles in drug related cases will follow the same guidelines currently used for impounding vehicles in prostitution cases. Officers will complete a Form 369, Towing Report, and attach a copy of the Form 527, Arrest Report, or Form 314, Notice to Appear. These will be given to an Impound Unit officer for collection of the civil fines.

In conjunction with this change in the ordinance, Procedure 12.270, Impounding, Removing and Release of Vehicles, has a minor change. Under Section B.2., Impoundment Guidelines, a sentence has been added to include this change in the CMC.

The amended ordinance is [attached](#) to these Staff Notes.

The change in the law and this revision become effective on December 23, 2005. Personnel should review the procedure in its entirety. The revised procedure is available on the Intranet and on the Department web page.

**3. SENIOR MANAGEMENT INSTITUTE FOR POLICE (SMIP)**

The Police Executive Research Forum is again offering two sessions of its Senior Management Institute for Police (SMIP). Session 34 will be held June 11-29, 2006, and Session 35 will be July 9-27, 2005.

SMIP is a part of the Police Executive Research Forum Program that provides senior police executives intensive training in the latest management concepts and practices used in business and government. A demanding three-week course, SMIP brings together a faculty from some of the nation's top universities. It is designed for mid-to-upper level police executives who will ultimately lead police agencies throughout the United States and other participating countries. The SMIP curriculum addresses those issues that demand the attention of today's forward-thinking law enforcement leaders. Classes are held at Boston University where participants reside in the university's newest and finest residence hall.

SMIP gives participants a clear understanding of general management theory, policy development, planning processes, and organizational structure and behavior. Among the topics covered will be diversity, political management, organizational strategy, performance management, organizational change, leadership, managerial problem solving, time management, career planning, negotiation and labor relations, process analysis, budgeting, media relations, and new policing strategies and innovations.

The program uses the case study method of instruction. Popularized by use in the nation's top business schools, this method combines careful and extensive reading of case materials, including problem analysis and managerial decisions, with classroom discussion of the issues presented in each case. SMIP uses corporate, public and police agency cases and encourages participants to apply each case's concepts and issues to their organizations. Because of the program's intensity and daily group study, participants are required to reside on campus for the program's duration (weekends excepted).

Attached to these Staff Notes is the 2006 SMIP application. Additional information on the program can be found at [www.policeforum.org](http://www.policeforum.org). Applications are restricted to captains and above. Personnel interested in attending the SMIP program must submit a Form 17, through the chain of command, to the Police Academy. Questions may be directed to the Police Academy at 352-3562.

#### **4. THANK YOU LETTERS**

Attached to these Staff Notes are several letters of appreciation and praise written to the Police Chief for the professionalism displayed by our Department and specifically the following officers:

Lieutenant Kurt Byrd  
Police Officer Mary Braun  
Police Officer Mark Peters  
Police Officer Anthony Murphy  
Police Officer Mark Sneed  
Police Officer Dan Downing

Police Officer Jason O'Brien  
Police Officer Howard Moy  
Police Officer Darryl Patrick  
Police Officer Josh Fehrman  
Police Officer Alisha Harley

**AGENCY NAME - Department of Police**  
**Organization Codes for 2006**

<b>NEW</b>		<b>NEW</b>	
<b>AGY ORG</b>	<b>ORGANIZATION NAME</b>	<b>AGY ORG</b>	<b>ORGANIZATION NAME</b>
<b>222 0000</b>	<b>DEPARTMENT OF POLICE</b>	<b>222 2000</b>	<b>INVESTIGATIONS BUREAU</b>
<b>222 0100</b>	<b>OFFICE OF THE CHIEF OF POLICE</b>	<b>222 2100</b>	<b>Investigations Bureau Administration</b>
0110	Executive Officer	<b>222 2300</b>	<b>Criminal Investigation Section</b>
0120	Public Information Office	2310	Homicide Unit
<b>222 0150</b>	<b>Police Relations Section</b>	2320	Personal Crimes Unit
0155	Community Relations Unit	2330	Major Offenders Unit
<b>222 1000</b>	<b>PATROL BUREAU</b>	2370	Intelligence Unit
<b>222 1050</b>	<b>Patrol Bureau Administration</b>	<b>222 2400</b>	<b>Central Vice Control Section</b>
1060	Night Chief	2430	General Vice Enforcement
1070	SWAT	2440	Asset Forfeiture
1080	COP Coordinator	2450	Street Corner Unit
<b>222 1100</b>	<b>District 1</b>	2460	Narcotics Unit
1110	Event Planning Unit	<b>222 3000</b>	<b>ADMINISTRATION BUREAU</b>
1120	Motorcycle Unit	<b>222 3100</b>	<b>Administration Bureau Administration</b>
1130	Downtown Services Unit	<b>222 3200</b>	<b>Training Section</b>
1150	District 1 Bike Patrol	3210	Training Administration
1160	District 1 Violent Crimes Squad	3220	Firearms Training Unit
1180	District 1 Investigative Unit	3230	Recruit Class
<b>222 1200</b>	<b>District 2</b>	<b>222 3300</b>	<b>Planning Section</b>
1250	District 2 Bike Patrol	3310	Tactical Planning
1260	District 2 Violent Crimes Squad	<b>222 3400</b>	<b>Internal Investigations</b>
1280	District 2 Investigative Unit	<b>222 4000</b>	<b>RESOURCE BUREAU</b>
<b>222 1300</b>	<b>District 3</b>	<b>222 4100</b>	<b>Resource Bureau Administration</b>
1350	District 3 Bike Patrol	<b>222 4150</b>	<b>Inspections Section</b>
1360	District 3 Violent Crimes Squad	4151	Accreditation Unit
1380	District 3 Investigative Unit	4152	Court Control
<b>222 1400</b>	<b>District 4</b>	4153	Detail Coordination Unit
1450	District 4 Bike Patrol	<b>222 4400</b>	<b>Evidence / Property Management Section</b>
1460	District 4 Violent Crimes Squad	4410	Court Property
1480	District 4 Investigative Unit	4420	Impound Unit
<b>222 1500</b>	<b>District 5</b>	4430	Supply Unit
1550	District 5 Bike Patrol	4440	Transportation / Fleet Management Unit
1560	District 5 Violent Crimes Squad	<b>222 4600</b>	<b>Finance Management Section</b>
1580	District 5 Investigative Unit	4610	General Accounting
<b>222 1600</b>	<b>Special Services Section</b>	4620	False Alarm Reduction Unit
1610	Park Unit	4630	Grant Unit
1620	Canine Squad	<b>222 4500</b>	<b>Personnel Section</b>
1630	Mounted Patrol Squad	4510	Personnel Section Administration
1650	Traffic Unit	4520	Personnel
1651	Private Police Squad	4530	Recruiting Unit
1652	Hit Skip Squad	4540	Background Investigation Unit
1655	School Crossing Guards	<b>222 6000</b>	<b>INFORMATION MANAGEMENT BUREAU</b>
1656	School Crossing Guards Administration	<b>222 6100</b>	<b>Information Management Bureau Administration</b>
1660	Special Services Administration	<b>222 6500</b>	<b>Records Section</b>
1670	Youth Services Unit	6510	Records Section Administration
1671	DARE Squad	<b>222 6800</b>	<b>Communications Section</b>
1672	SRO Squad	6860	Communications Section Administration
1680	Traffic Command	<b>222 6900</b>	<b>Information Technology Management Section</b>
		6910	Information Section Administration
		6920	Management / Crime Analysis
		6930	CAD/RMS Project Unit

## 12.270 IMPOUNDING, MOVING, AND RELEASE OF VEHICLES

### **References:**

Procedure 12.205 - Traffic Enforcement  
 Procedure 12.215 - Cincinnati Parking Infraction (CPI)  
 Procedure 12.255 - Delinquent Vehicles: Impounding/Processing Delinquent Tags  
 Procedure 12.265 - Wrecker and Towing  
 Procedure 12.275 - Removal of Abandoned Junk Motor Vehicles (Public or Private Property) and Overtime Parked Vehicles  
 Procedure 12.420 - Reporting Vehicle Thefts and Related Offenses  
 Cincinnati Municipal Code (CMC) Chapter 513 - Impoundment of Motor Vehicles  
 CMC Section 503 - Vehicular Construction and Equipment  
 CMC Section 759 - Use of a Motor Vehicle to Facilitate a Prostitution or Drug Related Crime  
 Ohio Revised Code (ORC) - 4511.681- Parking prohibitions on private property  
 ORC 4513.60 - Abandoned Vehicles

### **Purpose:**

Determine when vehicles may or may not be impounded and/or released.

Establish accountability for safeguarding property contained in impounded vehicles.

### **Information:**

The Impound Unit, located at 3425 Spring Grove Avenue, is open 0630 to 2130 hours seven days a week.

### **Procedure:**

- A. Impoundment of Vehicles Outside Impound Unit Business Hours
  1. Using a supervisor approved move-only, tag and move to a non-hazardous location, any vehicle parked in violation and creating a hazard.
  2. Do not tow delinquent vehicles when the Impound Unit is closed.
    - a. If the vehicle is occupied, drive it to the district and hold it while the owner pays the citation(s) or posts the required bond for the delinquent tags.
    - b. If parked, cite the vehicle for any current violation. Make a blotter entry noting the location of the vehicle for follow up.
  3. Do not tow vehicles bearing tags expired more than 30 days when the Impound Unit is closed.

4. Tow vehicle recoveries to a designated private storage facility, initiating a Signal 38, if it is not possible to release the vehicle to the owner at the scene.
5. Provide the district desk person with a completed Form 369, Towing Report, whenever a vehicle is held at a district. Make a blotter entry for first shift to have the vehicle towed.

B. Impoundment Guidelines

1. A police officer may impound any motor vehicle which is:
  - a. Stolen.
  - b. Parked in violation of the law.
  - c. Involved in a motor vehicle crash.
  - d. Declared delinquent because of two or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Hamilton County Municipal Court pursuant to Cincinnati Municipal Code (CMC) Section 515-7.
  - e. Not displaying license plates.
  - f. Blocking ingress or egress to a street, alley, roadway, driveway, parking facility, or loading facility.
  - g. In the possession of a physically arrested person.
  - h. Driven by a person under the influence of alcohol, drugs, or a combination thereof.
  - i. Under the control of a person who requests impoundment for safekeeping.
  - j. Held for evidence or investigation with the approval of a supervisor.
  - k. Driven by an owner who is under suspension.
2. Officers will tow any vehicle used to facilitate a prostitution or drug related crime pursuant to CMC Chapter 759 when probable cause exists to make a physical arrest.
3. With the exception of vehicles towed pursuant to CMC Chapter 759, do not impound the motor vehicle of a physically arrested person or a first offender OVI arrest if:
  - a. The owner/driver allows the officer to safely and legally park the vehicle.
  - b. The vehicle is not needed for evidence.

- c. The driver arranges for someone to take custody of his vehicle.
- 4. Do not leave vehicles on expressways.
  - a. Officers may allow the owner/driver 1 hour for the removal of vehicles that are mechanically disabled but not in a hazardous location.
- 5. If unable to release a stolen vehicle to the owner, complete a Form 303, Motor Vehicle Incident Report, and Form 369.
  - a. Process all copies of the Form 303 and forward the original to Records Section.
  - b. Fax the Form 369 to the Impound Unit at line 352-3998, as soon as possible.
    - 1) Give the yellow copy of Form 369 to the wrecker driver.
    - 2) The pink copy of Form 369 is retained at the district.
    - 3) Mail the original white copy of Form 369 to the Impound Unit using interdepartmental mail.
- 6. For all other tows, the original Form 369 will accompany the vehicle to the Impound Unit.
- 7. The owner of any vehicle impounded under CMC Section 513-1, Impoundment of Motor Vehicles, must be notified personally or by regular mail sent to the last known address of the registered owner.
  - a. Impounding officers will attempt to notify the vehicle owner in person or by phone and note same on the Form 369. If officers are unable to make notification, they will record any relevant information that would help Impound Unit personnel make the notify.
    - 1) After towing to the lot, Impound Unit personnel will be responsible for notifying the owner.
  - b. The notification will include the:
    - 1) Reason for impounding and the location where the vehicle was towed.
    - 2) Procedure for obtaining release of the vehicle.
    - 3) Basic charges for impound and storage according to current posted rates.
- 8. Owners are responsible for towing charges on all tows to the Impound Unit. Impound Unit personnel can release, without charge, vehicles legitimately disabled and impounded to help the flow of traffic.

9. Failure to obtain release of the motor vehicle within 20 days of impound may cause it to be salvaged or sold at auction.
10. The towing officer will inventory the vehicle and the contents of any vehicle taken to the district (see Procedure 12.265). Do this even though someone may be responding to pick up the vehicle.

### C. Impounding Vehicles

1. The driver/owner is arrested and the vehicle has to be impounded:
  - a. A supervisor must approve the impound.
    - 1) Supervisors do not need to approve vehicles tows when the driver is arrested under CMC Chapter 759.
  - b. Tow or drive the vehicle directly to the Impound Unit during normal business hours using the Form 369.
  - c. If the vehicle is towed or driven to the district, notify the Impound Unit to remove it by wrecker on the next day.
2. Operating a vehicle under the influence (OVI) and driving while under suspension (DUS).
  - a. Tow a vehicle for pretrial seizure in all cases of DUS except the following:
    - 1) When charging the driver with DUS 4510.037J.
      - a) Points suspensions (12 or more points).
      - b) Status – “Suspended”.
    - 2) When charging the driver with DUS 4510.21.
      - a) Suspensions with time limits/dates that are expired.
      - b) Driver failed to pay fines/fees required to reinstate license.
      - c) Status – “Failure to Reinstate”.
  - b. Tow vehicles subject to forfeiture when any of the following apply to the operator:
    - 1) Operating a vehicle which has been ordered immobilized.
    - 2) Arrest for OVI with three previous convictions within six years.
    - 3) Arrest for wrongful entrustment with one previous conviction (no time limit).

- 4) Arrest for FRA suspension with two previous convictions within five years.
    - 5) Arrest for OVI suspension with two previous convictions within six years.
  - c. Complete Form BMV-2255 (ALS) and Form 369.
  - d. Inform Police Communications Section (PCS) whether the vehicle is being towed for pretrial seizure or is subject to forfeiture.
    - 1) Towing companies will tow vehicles held for pretrial seizure and those subject to forfeiture to the Impound Unit.
- 3. Vehicles ordered immobilized by the courts which are not already impounded.
  - a. Records Section will distribute all Court Issued Immobilization Notices (BMV-2270) to the Patrol Bureau for action.
    - 1) Districts will make reasonable attempts to locate vehicles and have them impounded.
    - 2) If the vehicle is found, initiate a Signal 38 and advise PCS the vehicle is a court ordered immobilization. These tows go to the Impound Unit.
      - a) Complete Form 369.
  - b. Patrol Bureau will return the BMV-2270 to the Records Section along with the disposition.
- 4. Stolen/recovered vehicles:
  - a. Every effort should be made to release auto recoveries to the owner at the scene of recovery.
  - b. If the owner cannot be notified or refuses to claim the vehicle at the scene, the vehicle will be towed by a private wrecker designated for auto recoveries.
    - 1) A Signal 38 will be given to PCS to request a private wrecker be dispatched.
    - 2) A Form 369 and Form 303 will be completed by the recovering officer.
      - a) Fax Form 369 to the Impound Unit, at 352-3998, as soon as possible.
        - 1] The yellow copy of Form 369 will be given to the wrecker driver.

- 2] The original white copy of Form 369 will be mailed to the Impound Unit using interdepartmental mail.
- 3] The pink copy of Form 369 will be retained at the district.
- b) All copies of the Form 303 will be turned in at the district for processing.
- c. If the vehicle is not held as evidence, follow Procedure 12.420.
- d. Investigations concerning recoveries will be done at the private storage facility within 24 hours of recovery.
  - 1) Location of the vehicle can be obtained from the Form 369 or PCS.
- e. All fees for towing and storage will be charged by the private towing company.
- 5. Held for evidence/investigation
  - a. A supervisor must approve the impounding of the vehicle.
  - b. Tow or drive the vehicle directly to the Impound Unit, during business hours, using the Form 369.
  - c. If the vehicle is towed or driven to the district, notify the Impound Unit to remove it by wrecker on the next day.
  - d. If a coroner's case, the vehicle may be towed to the Coroner's Office, with supervisory approval. Other options include towing or driving to the district for processing and release, or towing to the Impound Unit by first shift.
  - e. Take vehicles held by specialized units (e.g., Vice, CIS) to the district with the approval of the district shift officer in charge (OIC). Specialized units will keep responsibility for disposition of the vehicle.
- 6. Vehicle held at the request of other authorities
  - a. If possible, contact the requesting authority.
  - b. If they can respond immediately, release the vehicle to them.
    - 1) Obtain a signed Form 330, Property Receipt, for the vehicle.

- c. If the requesting authority cannot respond immediately and the vehicle is:
  - 1) Drivable, take it to the district and have the requesting authority respond to the district.
  - 2) If the vehicle is not drivable, it will be towed to the Impound Unit during business hours or to the district if it is outside of Impound Unit business hours. Include all pertinent information on the Form 369.
- 7. Vehicle unlawfully parked on a street and interfering with pedestrian or vehicular traffic:
  - a. Have the owner/driver move the vehicle immediately.
  - b. If the owner/driver is not immediately available, cite for the proper violation and tow it to the Impound Unit.
    - 1) When the Impound Unit is closed, a supervisor may approve a move-only. Issue a citation and tow to a non-hazardous location.
- 8. Vehicles parked on private or public property without consent of the owner:
  - a. For vehicles parked on private property, or public property under the control of another non-City government agency (e.g., Board of Education, Metropolitan Housing Authority), take the following action:
    - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, ingress, or egress, the officer will try to locate the owner and have the vehicle moved immediately. If unable to locate the owner, the officer will impound the vehicle. The officer will include on the Form 369 a brief investigative summary and the property owner's name who requested the vehicle removal.
      - a) If applicable, issue a citation for the proper violation.
    - 2) If the vehicle is occupying a parking space or appears to be abandoned but not blocking ingress, egress, loading dock, etc., the officer will run a computer check to see if it is stolen, wanted, etc. The officer will tow only if there is a computer hit.
      - a) Do not tow delinquent vehicles from private property.

- 3) For vehicles on property, other than City property, and not stolen or wanted, the officer should try to find the vehicle owner to move the vehicle. The officer will advise the property owner of the towing provisions under Ohio Revised Code (ORC) Sections 4511.681 and 4513.60. If the property owner follows these guidelines, he may have the vehicle towed at the vehicle owner's expense.
    - a) For abandoned junk vehicles on private property, refer to Procedure 12.275.
  - b. For property owned or controlled by the City, including the Park Board, Recreation Department, etc., take the following action:
    - 1) If the vehicle is obstructing driveways, loading docks, fire lanes, or other ingress or egress, follow Section C.7. of this procedure.
    - 2) If the vehicle is stolen, otherwise wanted, or in violation of the law, impound it per procedure.
  - c. For unlicensed/inoperable vehicles on private property, refer to Procedure 12.275.
9. Follow Procedure 12.275 for abandoned or junk vehicles.
  10. Follow Procedure 12.255 for delinquent vehicles.
  11. Vehicles wanted for hit-skip:
    - a. If an individual is cited or physically arrested for hit-skip, tow the vehicle to the Impound Unit, only if it is needed for follow-up investigation, with the approval of a supervisor.
    - b. Impound the vehicle if needed as evidence with the approval of a supervisor.
      - 1) If the driver is physically arrested, follow Section C.1. of this procedure.
    - c. Complete a Form 369. A photocopy of the Form 369 will be forwarded to the Hit Skip Squad with the OH-1.
  12. Expired license plates:
    - a. Ohio/non-Ohio registration:
      - 1) Within 30 days following the expiration date, issue a citation for CMC Section 503-52 if the vehicle is moving or CMC Section 508-25 if the vehicle is parked.

- 2) If the plate is expired more than 30 days, the vehicle may be impounded. A citation is sufficient if registration information is verified and the owner notified.
13. No license plates:
- a. Impound the vehicle; do not issue a citation. This applies to both occupied and unoccupied vehicles.
14. Unroadworthy vehicles:
- a. Officers will issue an Ohio Multi-Count Uniform Traffic Ticket (MUTT) using CMC Section 503-29.
    - 1) Have the vehicle towed to the Impound Unit. Do not drive or allow the vehicle to be driven.
    - 2) The Impound Unit supervisor will arrange to have the vehicle inspected by a mechanic from Fleet Services.
      - a) The mechanic will record his findings on a Form 17, noting his name, unit, and telephone line number. Unroadworthy Forms 17 are kept in a separate file at the Impound Unit. A copy of this Form 17 is also sent to the impounding officer by the Impound Unit for use in court cases.
      - b) If the inspection determines the vehicle is unroadworthy, the additional towing charge and the inspection fee charged to the Department by the Municipal Garage will be passed on to the owner of the unroadworthy vehicle.
  - b. When officers are notified to respond to court about an unroadworthy vehicle charge (not guilty plea), they will contact the Impound Unit supervisor. He will notify the mechanic to appear in court to testify about the condition of the subject vehicle.
15. Parked vehicle involved in a vehicular crash:
- a. If legally parked and not causing a safety hazard, do not tow.
  - b. If parked in violation or interfering with traffic, and the owner is not located, tow the vehicle to the Impound Unit as held for owner.
16. Follow Procedure 12.215 for street cleaning or paving violations.

#### D. Move-Only Tows

1. Use a move-only as a last resort unless an emergency situation requires immediate action. Costs for move-only tows are charged against the police budget.
  - a. Cite vehicles when violations are present.
2. Complete a Form 369. Be specific, complete each appropriate space.
  - a. Remain at the scene to direct the wrecker driver.
  - b. Give the white copy of the Form 369 to the wrecker driver.
  - c. The officer's immediate supervisor will review, sign, and forward the yellow copy to the Impound Unit without delay.
  - d. Note on the Form 369 if the vehicle was cited for a traffic violation.

#### E. Mechanically Disabled Vehicles

1. The vehicle owner/driver is responsible for securing a wrecker for a disabled vehicle not involved in an auto accident. Instruct the owner/driver to secure a licensed wrecker of his choice.
  - a. If the position of the vehicle creates a hazard to motorists or pedestrians the officer will ensure the vehicle is removed.
    - 1) The officer will attempt to move the vehicle to a non-hazardous location with the use of push bumpers.
    - 2) If the vehicle is unable to be moved the officer will remain with the vehicle and may allow the owner/driver 1 hour to secure a private wrecker.
    - 3) The officer will remove the vehicle if it is determined a greater hazard would be created by allowing the vehicle to remain.
      - a) The officer will inform the owner/driver they are responsible for the wrecker payment.
      - b) The officer will instruct the wrecker driver to charge the owner/driver and not to bill the city.
2. Vehicles disabled due to fire will immediately be removed from the roadway by the owner/driver or impounded by the officer.

#### F. Property Contained in Vehicles

1. Process as required in Procedure 12.265.

G. Damage on Vehicles:

1. List as required in Procedure 12.265.

H. Releasing Vehicles

1. At the scene

- a. Release vehicles, not needed for evidence or by other authorities, to the person with right of possession if he arrives at the scene before the wrecker driver has left the curb and entered a moving lane of traffic.
  - 1) Issue a citation for existing violations.
  - 2) Advise PCS to put the wrecker driver back on top of the rotation list.

2. From Impound Unit

- a. An owner wishing to claim an impounded vehicle must present his Certificate of Title and/or License Registration and proper identification at the Impound Unit. The Impound Unit officer will ensure the owner of the vehicle is queried for outstanding warrants prior to the release of the vehicle.
- b. Inform owners that impound and storage fees do not include payment for any traffic citations. Traffic citations attached to the vehicle are to be processed by the vehicle's owner in the regular manner.
- c. The Impound Unit will obtain the total impound and storage fees from the vehicle owner/driver.
  - 1) Additional charges may be levied if a person fails to claim the vehicle within 24 hours, after having been personally contacted or notified by regular mail.
  - 2) Extra costs for any service necessary to impound or properly maintain the vehicle will also be added to the impound and storage fees.
  - 3) Any person whose vehicle is towed under CMC Chapter 759 will also be required to pay a \$500.00 civil fine.
  - 4) The Impound Unit accepts cash, Visa or MasterCard for payment of impound fees. No checks are accepted.
    - a) Only the person whose name appears on the credit card may use it.

- d. Inform owners with vehicles on the delinquent list that all delinquent tags must be paid or registered for court. They must present proof of such action in the form of receipts or register cards at the Impound Unit before the vehicle will be released.
- e. Releasing vehicles when the Impound Unit is closed:
  - 1) Generally, vehicles are not released from the Impound Unit when closed. In unusual circumstances, the Night Chief, or in his absence the shift OIC of the involved district may authorize recall of an Impound Unit officer to release a vehicle. PCS maintains a recall list. Examples of unusual circumstances include: a vehicle impounded through error, which would reflect adversely on the public image of the Department, extreme hardships such as an out-of-town family with young or ill members, etc. Supervisors ordering such recalls should bear in mind the expense incurred from a recall.
  - 2) Vehicles driven or towed to the district may be released without charge at the district upon authorization of the Night Chief, or in his absence, the shift OIC. Send a copy of the completed Form 369 to the Impound Unit.
  - 3) A Form 17 should be made by the requesting unit supervisor showing unusual circumstances and/or reason for request.
- f. Removal from district lot
  - 1) Vehicles impounded at the district when the Impound Unit is closed will be ordered towed to the Impound Unit after 0700 by notifying the Impound Unit OIC. The Impound Unit OIC will dispatch the contract wrecker or a Signal 38. If release is imminent, or a given period has been permitted for the owner to claim the vehicle from the district without imposing a towing fee, the towing may be deferred.
  - 2) If a vehicle is towed to a district and again to the Impound Unit, the additional towing charge is not passed on to the owner. The owner will pay only the normal fee.
  - 3) Time for calculating storage fees begins when the vehicle is actually impounded at the Impound Unit.

ADD *gjm/ret*

**City of Cincinnati**  
**An Ordinance No. 451 - 2005**

**AMENDING** Chapter 759 of the Cincinnati Municipal Code to allow for the impoundment of vehicles used to facilitate the commission or attempted commission of a crime involving the possession, delivery, transportation, purchase or sale of illegal drugs, and amending section 1501-9(b) of the Cincinnati Municipal Code to include the use of a motor vehicle to facilitate a prostitution or drug related crime as a Class D Civil Offense.

**WHEREAS**, City Council recognizes that persons who use vehicles or permit another to use a vehicle to facilitate the commission or attempted commission of crimes involving the possession, delivery, transportation, purchase, or sale of illegal drugs pose a significant threat to the quality of life in Cincinnati's neighborhoods and are a detriment to the public's health, welfare and safety; and

**WHEREAS**, impounding vehicles used in the commission or attempted commission of drug related crimes will serve as a valuable deterrent to those traveling into or through Cincinnati to purchase or sell drugs; now, therefore,

**BE IT ORDAINED**, By the Council of the City of Cincinnati, State of Ohio:

Section 1. That Chapter 759 of the Cincinnati Municipal Code is hereby amended as follows:

**CHAPTER 759. USE OF A MOTOR VEHICLE TO FACILITATE A PROSTITUTION OR DRUG RELATED CRIME**

**Sec. 759-1. Legislative Findings.**

It is hereby found and determined by the council of the City of Cincinnati that persons who use vehicles or permit another to use a vehicle to facilitate the commission or attempted commission of **\*\*1\*\*** crimes involving sexual activity for hire or the possession, delivery, transportation, purchase, or sale of illegal drugs pose a significant threat to the quality of life in Cincinnati's neighborhoods and are a detriment to the public's health, welfare and safety.

The council also finds and determines that the impoundment of vehicles used in the commission or attempted commission of **\*\*2\*\*** crimes involving sexual activity for hire or the possession, delivery, transportation, purchase, or sale of illegal drugs will temporarily remove such vehicles from the streets of the city and reduce the potential for further illicit use.

Removal of the resources and instrumentalities of persons who commit or attempt to commit such crimes will have a deterrent effect on this type of criminal behavior, thus contributing to council's efforts to improve the quality of life in Cincinnati's neighborhoods.

**Sec. 759-3. Use of a Motor Vehicle for Prostitution or Solicitation Prohibited.**

No person shall operate or use or permit another to operate or use a motor vehicle to facilitate the commission or attempted commission of a crime involving sexual activity for hire pursuant to Ohio Revised Code §§ 2907.21, 2907.22, 2907.23, 2907.24, 2907.241 or 2907.25. Violation of this section is a Class **\*\*3\*\*** D Civil Offense as defined by Cincinnati Municipal Code § 1501-9**\*\*4\*\***(b); and a person who violates this section is liable for the civil fine specified in § 1501-99 for a Class **\*\*5\*\*** D Civil Offense.

**Sec. 759-4. Use of a Motor Vehicle for the Delivery, Transportation, Purchase or Sale of Illegal Drugs.**

No person shall operate or use or permit another to operate or use a motor vehicle to facilitate the commission or attempted commission of a crime involving the possession, delivery, transportation, purchase or sale of illegal drugs pursuant to Ohio Revised Code §§ 2925.03, 2925.09, 2925.11, 2925.32 or 2925.37. Violation of this section is a Class D Civil Offense as defined by Cincinnati Municipal Code § 1501-9(b); and a person who violates this section is liable for the civil fine specified in § 1501-99 for a Class D Civil Offense.

**Sec. 759-5. Impoundment of Motor Vehicles Used to Facilitate Prostitution or Drug Related Crimes.**

(a) In addition to the imposition of a civil fine, a police officer may impound and cause to be towed any motor vehicle when the officer has probable cause to believe that the motor vehicle was used to facilitate the commission or attempted commission of a crime involving sexual activity for hire pursuant to Ohio Revised Code §§ 2907.21, 2907.22, 2907.23, 2907.24, 2907.241 or 2907.25, **\*\*6\*\*** and/or a crime involving the possession, delivery, transportation, purchase or sale of illegal drugs pursuant to §§ 2925.03, 2925.09, 2925.11, 2925.32 or 2925.37.

(b) Upon impounding the vehicle, the police officer shall provide by hand delivery to any present owner or person in control of the vehicle notice of the fact of the impoundment, notice of a civil offense and civil fine in accordance with § 1501-13, the location of the city impound lot and the right to post a cash bond pursuant to § 759-9.

(c) If the vehicle owner is unavailable to receive such notice, then the police officer or agent of the city police department shall provide notice to all owner(s) of the vehicle at addresses set forth in the vehicle registration within three business days of the date of impoundment. The notice shall include the fact of the impoundment, notice of a civil offense and civil fine in accordance with § 1501-13, the location of the city impound lot and the right to post a cash bond pursuant to § 759-9.

(d) This section shall not apply and no vehicle shall be impounded or towed pursuant to this section under any of the following circumstances:

(1) A law enforcement agency seizes the vehicle pursuant to Ohio Revised Code § 2933.43.

(2) The vehicle was operating as a common carrier at the time it was subject to impoundment.

(3) The vehicle is a rental vehicle from an automobile rental or leasing agency for a term of no more than thirty consecutive calendar days.

#### **Sec. 759-7. Answer to Notice; Hearings.**

(a) The owner of the impounded vehicle may admit that the commission of the offense by payment of the fine specified in § 1501-99 for a Class **\*\*7\*\*** D Civil Offense, plus any and all accumulated towing and storage costs in accordance with § 513-7, and secure the immediate release of the impounded vehicle; or

(b) A person served with notice of a violation of § 759-3 or § 759-4 may answer the charge in accordance with § 1501-15 and may request a hearing before a hearing examiner in accordance with § 1501-17. At the hearing, the city shall have the burden to show by a preponderance of the evidence that the vehicle was used in violation of § 759-3 or § 759-4. It shall be an affirmative defense to this charge if the vehicle owner is able to establish, by a preponderance of the evidence, that the vehicle was stolen at the time of the commission of the offense. For purposes of this chapter, "stolen" shall mean the trespassory taking and carrying away of the tangible personal property of another with the intent to permanently deprive.

If **\*\*8\*\*** the hearing examiner **\*\*9\*\*** finds **\*\*10\*\*** that the vehicle was subject to impoundment in violation of § 759-3 **\*\*11\*\*** or § 759-4, then the hearing examiner may enter an order finding the person charged liable to the city for the fine specified in §1501-99 for a Class **\*\*12\*\*** D Civil Offense, plus any and all accumulated towing and storage costs in accordance with § 513-7.

If \*\*13\*\* the hearing examiner \*\*14\*\* finds that the city did not meet its burden of proof as set forth in this section, that one of the exceptions of § 759-5(d) applies, or that the vehicle was stolen at the time it was impounded, the vehicle shall be returned to the owner along with any posted cash bond, costs or fees.

**Sec. 759-9. Posting Bond.**

The owner of the impounded vehicle may secure release of the vehicle by posting a cash bond in the amount of \*\*15\*\* five hundred dollars together with all towing and storage costs in accordance with § 513-7.

Upon a finding that the vehicle was subject to impoundment in violation of § 759-3, or upon an admission of the offense, any amount posted as bond to secure the release of the vehicle will be credited to the amount owed as determined by the hearing examiner in accordance with § 759-7(b).

**Sec. 759-11. Default.**

If a person served with notice of a violation of § 759-3 is deemed to be in default as set forth in § 1501-21, it shall be deemed admitted that the vehicle was subject to impoundment in violation of § 759-3, and the fine specified in § 1501-99 for a Class \*\*17\*\* D Civil Offense shall be deemed delinquent.

**Sec. 759-13. Appeal.**

A person served with notice of a violation of § 759-3 has all of the rights and opportunities for appeals of civil offenses as set forth in sections 1501-23 through 1501-999.

**Sec. 759-15. Sales of Impounded Vehicles.**

Vehicles impounded pursuant to this Chapter shall be subject to sale as set forth in § 513-11, provided that the city may not begin proceedings to sell the vehicle when the city is notified by the owner of the impounded vehicle that the violation of § 759-3 or § 759-4 is under pending appeal.

Section 2. That existing Chapter 759 is hereby repealed.

Section 3. That section 1501-9(b) be amended as follows:

(b) Class D Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

TABLE INSET:

			Civil Fine for Subsequent Offense
(1)	§ 718-25	Secret Street Uses	Class E
(2)	§ 721-59	Taking Material from Streets	Class E
(3)	§ 729-63	Dumping	Class D
(4)	Chapter 891	Home Improvement	Class E
(5)	§ 1201-47	Failure to Comply with Orders	Class D
(6)	§ 1219-21	Causing Fire Through Negligence	Class D
(7)	Chapter 1251	Fire Starting Apparatus	Class D
(8)	§ 759-3	<u>Use of a Motor Vehicle for Prostitution or Solicitation</u>	<u>Class D</u>
(9)	§ 759-4	<u>Use of a Motor Vehicle to Facilitate a Drug Related Crime</u>	<u>Class D</u>

Section 4. That existing section 1501-9(b) is hereby repealed.

Section 5. That this ordinance shall be in force and take effect from and after the earliest period allowed by law.

Passed November 23, 2005

Attest: Melissa Arduy  
Clerk

Charles F. Felt  
Mayor

New language is underscored. Deleted language is indicated by asterisks as follows:

\*\*1\*\* a  
\*\*2\*\* a  
\*\*3\*\* C  
\*\*4\*\* 7  
\*\*5\*\* C  
\*\*6\*\* .  
\*\*7\*\* C  
\*\*8\*\* ,after  
\*\*9\*\* makes a  
\*\*10\*\* ing  
\*\*11\*\* ,  
\*\*12\*\* C  
\*\*13\*\* , after a hearing,  
\*\*14\*\* makes a  
\*\*15\*\* ing  
\*\*16\*\* two  
\*\*17\*\* C

<b>2006 SENIOR MANAGEMENT INSTITUTE FOR POLICE APPLICATION</b>
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Session 34 – June 11 – 29    *Circle One*    Session 35 – July 9 - 27

**Please Print Clearly**

LAST NAME:\_\_\_\_\_FIRST NAME:\_\_\_\_\_M.I.\_\_\_\_\_

RANK OR TITLE:\_\_\_\_\_DEPARTMENT:\_\_\_\_\_

\_\_\_\_\_  
Office Mailing Address

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Office Telephone Number

CURRENT  
ASSIGNMENT\_\_\_\_\_

YEARS EXPERIENCE AT SGT OR ABOVE\_\_\_\_\_YEARS IN LAW ENFORCEMENT\_\_\_\_\_

DEGREES EARNED: HS AA BS/BA MS/MA JD PhD Other \_\_\_\_\_

OTHER ADVANCED MANAGEMENT/LEADERSHIP SCHOOLS ATTENDED

\_\_\_\_\_  
YEAR\_\_\_\_\_

\_\_\_\_\_  
YEAR\_\_\_\_\_

\_\_\_\_\_  
YEAR\_\_\_\_\_

**I understand SMIP is a very intensive program that requires significant commitment. Pre-session reading includes substantial portions of 3-4 books. After-class assignments include two to three hours of reading per day as well as required participation in a one-hour group study session each morning.**

\_\_\_\_\_  
**Signature**

Submit this Application with a nomination letter from your agency head or a letter of self-nomination if you are your agency's chief executive, to:

**Police Executive Research Forum  
Senior Management Institute for Police  
1120 Connecticut Ave. NW, Suite 930  
Washington, DC 20036**

**Do not send payment at this time.**



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December 9, 2005

Chief Streicher -

This is a note to recognize Officer Dan Downing for his tremendous and generous service to me last night as I dealt with a running car with keys locked inside during last night's snowstorm. Had it not been for his assistance, I may still be standing on E. 7th St. and Culvert outside my running car.

Officer Downing was very professional and patient in offering his time and knowledge to assist me, as obviously he could have opted to focus on higher priorities like dealing with a vacant and parked car on the road (he actually did handle this as well). By calling for assistance (Sgt. Antwine was also great in helping), allowing me to warm up in his car, and, in general, being very courteous, he saved me several hours of time and helped me avoid an absolutely miserable night potentially.

Because of Officer Downing's service, I walked away with a first-hand example of how fortunate we are to have the quality people on the Cincinnati Police Force that we do.

Please give him my regards.

Sincerely,

Wayne Smith  
983-6869

P.S. Please also pass along my appreciation to Sgt. Antwine

**Thomas A. Barefield**  
*Senior Vice President, Institutional Sales*



One Financial Way  
Cincinnati, Ohio 45242  
Telephone: 513.794.6722  
Fax: 513.794.4519

December 6, 2005

Thomas S. Streicher  
City of Cincinnati Police Division  
310 Ezzard Charles Drive  
Cincinnati, OH 45214

Dear Captain Streicher,

I recently had the opportunity to do a ride along with Officer Mark Peters in District II. I was the Leadership Cincinnati individual who shared with you how much paperwork he had to duplicate.

Hopefully the new laptop program will help your officers out with the volume of paperwork that comes with the job.

Thank you for allowing our class the opportunity to spend time with "the best class", our Cincinnati Police force.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Tom Barefield". The signature is fluid and cursive, with the first and last names being more prominent.

Thomas A. Barefield  
Senior Vice President, Institutional Sales

TAB/jrh

December 1, 2005

Joseph Butts Jr.  
5507 Stewart Rd.  
Cincinnati, Oh 45227

Dear Chief Streicher,

My name is Joseph Butts Jr. I am senior criminal justice student at The University of Cincinnati. I would like to thank you for allowing me to be a participant in the ride along program. I feel that all the officers and law enforcement personnel that I worked along with in all five districts were very professional and strong pillars of the community.

Off. Mary Braun	D-1
Off. Howard Moy	D-2
Off. Daryl Patrick	D-3
Off. Anthony Murphy	D-4
Off. Josh Fehman	D-5
Off. Sneed	D-1
Off. V. Harley	D-2
Off. Terry Larkin	D-3
Off. Smith	D-4

I learned a lot from this program on different policing styles, law enforcement procedures and protocol and the nature of police work. I strongly feel that this is a positive experience for students to establish a deeper desire for becoming a future Cincinnati Police Officer.

Sincerely,



Joseph Butts Jr.

# Christ Hospital

Health Alliance™  
November 30, 2005

2139 Auburn Ave  
Cincinnati, OH 45219  
513-585-2000

Captain Kenneth S. Jones  
310 Ezzard Charles Drive  
Cincinnati, Ohio 45214

Dear Captain Jones,

I am a participant in Leadership Cincinnati Class 29 and I had the opportunity to ride with Officer Jason O'Brien on November 21, 2005. We patrolled the areas of the west end and Over-the-Rhine. The evening was highly educational and Officer O'Brien very freely shared information regarding the daily life of a patrol officer and the many challenges that various neighborhoods represent.

I was very impressed with Officer O'Brien. He was courteous, professional and extremely helpful. I realize that I asked many questions, as I was very intrigued with police procedures. He was very respectful and never made me feel as if I was an intruder or a burden. He is truly one of Cincinnati's finest.

I also wish to note that Lieutenant Byrd was also very courteous and helpful with my orientation to the first district.

Please be assured that this experience has been valuable for me and I am truly an advocate of your officers and the work that they do.

Sincerely,



Susan Croushore  
*Executive Director/Senior Vice President*

c: Ray Brocamp  
Officer Jason O'Brien  
Lt. Kurt Byrd